

Town of Hamburg
Board of Zoning Appeals Meeting
September 1, 2015
Minutes

The Town of Hamburg Board of Zoning Appeals met for a Regular Meeting on Tuesday, September 1, 2015 at 7:00 P.M. in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Brad Rybczynski, Vice-Chairman Shawn Connelly, Commissioner Joseph Sacco, Commissioner Bob Ginnetti, Commissioner Paul Eustace, Commissioner Ric Dimpfl and Commissioner Louis M. Chiacchia.

Others in attendance included Attorney Mark Walling, Board of Zoning Appeals Attorney and Sarah desJardins, Planning Consultant.

Chairman Rybczynski asked for a moment of silence to honor our fallen military members.

Commissioner Eustace read the Notice of Public Hearing.

Application # 5545 5455 Southwestern Blvd LLC – Requesting an area variance for a proposed attached garage at Lot #20 at the Hamburg Mobile Home Park

Colleen Conrad, park manager of Hamburg Mobile Home Park, stated that the new owner of the home at Lot # 20 is the man who maintains the mobile home park. She noted that this home does not have an attached garage in the rear of the home, like several of the other homes in the park do, and he would like to construct one so that he can put his personal equipment he uses to maintain the park in the garage (lawn mowers, plows, etc.).

Ms. Conrad stated that one point of the garage would be ten (10) feet from the lot line, rather than the required 25 feet.

In response to a question from Mr. Connolly, Ms. Conrad stated that the garage would look exactly like the existing garage two (2) homes away from Lot # 20.

Mr. Ciesla, owner of the home at Lot # 20, stated that he used to have a maintenance business, but now he only does maintenance for the mobile home park.

Findings:

Mr. Ginnetti made a MOTION, seconded by Mr. Eustace, to approve Application # 5545.

On the question:

Mr. Ginnetti reviewed the area variance criteria as follows:

1. Whether the benefit can be achieved by other means feasible to the applicant – No.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No.
3. Whether the request is substantial – No.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – No.

All members voted in favor of the motion. **GRANTED.**

Application # 5546 DDR Corporation – Requesting two (2) area variances for proposed signage at 3701 McKinley Parkway

Rick Johnson from X-Press Signs, representing the applicant, stated that DDR would like to erect an additional sign at the Milestrip Road entrance to the McKinley Mall.

Mrs. desJardins explained that the applicant is requesting a second sign on this property (only one is allowed) and a variance for the square footage of that second sign.

In response to a question from Mr. Connolly, Mr. Johnson stated that the new sign would say “L A Fitness”, and there would be room for a second tenant if needed (in the old Dick’s building).

Jeffrey Levy, representing DDR, stated that the existing sign on Milestrip Road for L A Fitness does have a space for a second tenant who would go in the rear building, but drivers heading east do not see this sign until after they have passed the Mall entrance. He noted that DDR would like to install a shorter monument sign at the Mall entrance to direct drivers to L A Fitness, as well as to whatever business into the old Dick’s building.

Findings:

Mr. Sacco made a MOTION, seconded by Mr. Ginnetti, to approve Application # 5546.

On the question:

Mr. Sacco reviewed the area variance criteria as follows:

1. Whether the benefit can be achieved by other means feasible to the applicant – No.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No, this is a commercial area.
3. Whether the request is substantial – No.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – No.

Chairman Rybczynski stated that the applicant deserves credit for trying to do business without a monument sign at this location.

All members voted in favor of the motion. **GRANTED.**

GRANTED.

Application # 5548 John Less – Requesting an area variance for a proposed detached garage at 4066 Bristol Road

John Less, applicant, stated that he would like to construct a pole barn because he does not currently have a detached garage on his property. He stated that he does not meet the required side yard setback. He noted that he plans to demolish he existing shed on the property.

In response to a question from Mr. Connolly, Mr. Less stated that he has not spoken to the owners of 4070 Bristol Road and 4080 Bristol Road.

In response to a question from Mr. Connolly, Mr. Less stated that he would have to get a custom sized pole barn in order to avoid requesting a variance, and the custom size would increase the cost of the pole barn by 25%.

Findings:

Mr. Ginnetti made a MOTION, seconded by Mr. Chiacchia, to approve application # 5548.

On the question:

Mr. Ginnetti reviewed the area variance criteria as follows:

1. Whether the benefit can be achieved by other means feasible to the applicant – No.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – No, and it might actually enhance the property.
3. Whether the request is substantial – No.
4. Whether the request will have adverse physical or environmental effects – No.
5. Whether the alleged difficulty is self-created – No.

All members voted in favor of the motion. **GRANTED.**

Application # 5547 Jason Joseph – Requesting an area variance for a proposed detached garage at 1571 Lakeview Road

Susan Joseph, applicant, stated that she and her husband would like to construct a detached garage to house their two (2) classic cars, as well as their two (2) personal vehicles, lawn furniture, lawn equipment, etc. She stated that they would like the garage to be 36' wide and 56' long in an "L" shape, which is larger than what is allowed.

Mrs. desJardins stated that she received a phone call from the neighbor directly east of this property, who indicated that she was not opposed to the Joseph's proposal. She further stated that she received a phone call from a gentleman named Dennis who lives directly opposite this property, and he indicated that he has no objections either.

Ms. Joseph reviewed some of the area variance criteria as follows:

1. Whether the benefit can be achieved by other means feasible to the applicant – The applicants have been storing the classic cars in a storage facility, but it collapsed last winter and they would rather keep the classic cars on their property.
2. Whether there would be an undesirable change in neighborhood character or to nearby properties – The garage would look very much like the home, as well as several other homes in the area.
3. Whether the request is substantial – The extra space requested will not be unused.

Mr. Chiacchia stated that 526 sq.ft. seems like a very excessive variance.

Mr. Connolly stated that the concern is always the substantial nature of a requested variance, and when the Zoning Board does approve these types of variances, it tries to do so within reason so that the applicant can receive a benefit, while it not being a detriment to others.

In response to a question from Mr. Connolly, Ms. Joseph stated that she spoke to her adjacent neighbor (Thelma Sardina, 1579 Lakeview Road), and Thelma indicated that she is not opposed to the new garage.

Mr. Chiacchia asked Ms. Joseph is there is a possibility of reducing the size of the proposed garage. Ms. Joseph responded that perhaps it could be reduced slightly, but the width would have to remain the same.

In response to a question from Chairman Rybczynski, Ms. Joseph stated that the square footage of the home on the property is 1,673.

Mr. David Sardina, 1579 Lakeview Road, stated that the proposed structure is very large, and it would run along his property line.

Chairman Rybczynski stated that the problem the applicant is having is that she does not want to have to take the existing old tree down and also does not want to interfere with the existing deck on the property.

Mr. Sardina stated that his concern is resale value of his home, since the garage would run along his property line for 56 feet.

Mr. Sardina stated that he opposes the structure because of its size, and he is worried about the resale of his property. He noted that he is also worried about what it would look like because this is an established neighborhood. He stated that the garage looks nice, but it is a very large structure. He noted that this garage would be twice the length of a normal garage.

Chairman Rybczynski noted that the proposed garage is only 300 square feet less in size than the house is.

Mr. Chiacchia stated that the structure seems out of proportion with other structures on Lakeview Road.

Chairman Rybczynski stated that the proposal makes the property look like it has two (2) houses on it. He noted that the applicant would probably have difficulty arguing that this proposal would not alter the essential character of the neighborhood.

Attorney Walling stated that if the board denies this variance, the applicant can revise the proposal and resubmit.

Findings:

It was determined that the applicant requested that the Board table this proposal until its next meeting.

Mr. Connolly made a MOTION, seconded by Mr. Chiacchia, to leave this proposal on the table.

All members voted in favor of the motion. **GRANTED.**

Mr. Sacco made a MOTION, seconded by Mr. Connolly, to approve the minutes of August 4, 2015.

All members voted in favor of the motion.

Mr. Chiacchia made a MOTION, seconded by Mr. Sacco

, to adjourn the meeting. All members voted in favor of the motion.

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Paul Eustace, Secretary
Board of Zoning Appeals

DATE: September 25, 2015